

REMARKS

Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectfully requested. Specifically, favorable consideration of pending Claims 1-37 is respectfully requested.

THE REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

Claims 11-18 and 24-31 were rejected under 35 U.S.C. §112, second paragraph, for indefiniteness.

Although the rejection mistakenly characterizes Beauregard Claims 11, 18, and 24 as apparatus claims, the Applicant has amended the aforementioned claims as suggested by the Examiner. Specifically, Beauregard Claims 11, 18, and 24 have been rewritten in independent form, and include the features of the claims from which they originally depended.

Further, Claims 12 and 25 have been amended in response to the listed objection.

Favorable consideration of the amendments to Claims 11, 12, 18, 24 and 25, and withdrawal of the rejection under 35 U.S.C. §112, second paragraph, are respectfully requested.

THE REJECTION UNDER 35 U.S.C. §102(e)

Claims 1-37 were rejected under 35 U.S.C. §102(e) as being anticipated by DeBellis et al. (U.S. Patent 6,044,388; hereafter “DeBellis”). The Applicant

respectfully traverses this rejection as well, and further requests that this rejection also be reconsidered and withdrawn.

DeBellis describes generating a pseudorandom number by “concatenating a time-dependent value (generated by a real-time counter) with a secret value and passing the concatenation result through a one-way hash function to generate a hash value from which a random number is generated,” (col. 4, line 66 – col. 5, line 5). It is respectfully submitted that the teachings of the reference fail to anticipate Claims 1-37, as broadly asserted in the rejection.

For example, Claim 1 of the present application recites:

A method comprising:
collecting entropy data;
storing the entropy data in a nonvolatile memory;
updating the entropy data stored in the nonvolatile memory with newly collected entropy data; and
generating a string of random bits from the entropy data stored in the nonvolatile memory.

On the other hand, Claim 1, line 4 of DeBellis recites, “storing a nonrepeating current time-dependent value,” which the rejection asserts teaches, “collecting and storing entropy data” (see Office Action, page 2). However, to anticipate pending Claim 1, such teaching would have to, at least, further include updating the recited nonrepeating current time-dependent value. But such is not the case, either in the description or in the claims of the reference.

Rather, Claim 1 of DeBellis continues, in part:

storing a current secret value;
generating an updated secret value as a function of said current secret value and other information.

That is, according to DeBellis, it is the claimed "secret value" that is updated, rather than the "nonrepeating current time-dependent value."

MPEP §2131 states that, "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). The Applicant respectfully submits that clearly, as seen from the above, DeBellis does not fulfill such obligation. Features of Claim 1 are missing from the teachings of the reference, and therefore Claim 1 is not anticipated by DeBellis.

Furthermore, it is respectfully submitted that the remainder of independent Claims 11, 12, 18, 19, 24, 25, and 32 are distinguishable from DeBellis for at least the reasons set forth above with regards to Claim 1. In addition:

- Claim 11 has been rewritten in independent form as a Beauregard claim that includes substantially the same features recited in Claim 1, and therefore is distinguishable from DeBellis for the reasons provided above regarding Claim 1;
- The rejection does not specifically address Claim 12, which recites:
A method comprising:
receiving a request for a random number;
retrieving, from a nonvolatile memory device
entropy data that is regularly updated with newly
collected entropy data;
hashing the entropy data to create random seed
data;
generating a string of random bits from the
random seed data; and
communicating the string of random bits to the
requester of the random number.

Further to the reasons provided above distinguishing Claim 1 from DeBellis, insofar as they are applicable to Claim 12, the reference does not teach the “hashing,” “generating,” and “communicating” as presently claimed, nor does the rejection make such assertion.

- Claim 18 has been rewritten in independent form as a Beauregard claim that includes substantially the same features recited in Claim 12, and therefore is distinguishable from DeBellis for the reasons provided above regarding Claim 12;
- With regards to Claim 19, DeBellis does not teach or suggest “storing the entropy data in a protected portion of an operating system kernel.” Further, that claimed feature is not addressed by the rejection; and
- Claim 24 has been rewritten in independent form as a Beauregard claim that includes substantially the same features recited in Claim 19, and therefore is distinguishable from DeBellis for the reasons provided above regarding Claim 19.

CONCLUSION

The remaining references of record have been considered. It is respectfully submitted that they do not compensate for the deficiencies of any of the references utilized in rejecting the pending claims.

All objections and rejections having been addressed, it is respectfully submitted that the present application is now in condition for allowance. Early and forthright issuance of a Notice of Allowability is respectfully requested.

Respectfully Submitted,

Lee & Hayes, PLLC

Dated: September 12, 2003

David S. Lee

David S. Lee
Reg. No. 38,222
(425) 844-0791

RECEIVED
CENTRAL FAX CENTER

Lee & Hayes, PLLC
421 W. Riverside Avenue, Suite 500
Spokane, WA 99201

OCT 21 2003

OFFICIAL